IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT APPEAL NO : 1237 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 15/06/2004 in WP NO : 6560 OF 2003 on the file of the High Court.)

Between:

K.R.Nagabushanam, S/o K.R.Satyanarayana,
R/o 17-4-51, R.P.G.T.Road, Hindupur, Ananthapur District

..... APPELLANT

AND

1. The State Transport Appellate Tribunal, Andhra Pradesh, rep.by its

Presiding Officer, Manoranjan Complex, M.J.Road, Hyderabad.

2 The Regional Transport Authority, Ananthapur, rep.by its Secretary
3 The A.P.S.R.T.C. rep.by its Managing Director, Musheerabad,

Hyderabad

.....RESPONDENTS

Counsel for the Appellant:MR.NOUSHAD ALI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Challenge is to the order passed by learned single Judge dismissing the appellant's writ petition wherein appellant had questioned the order passed by the first respondent on 14th February, 2003 in R.P.No.3 of 2002.

Facts in brief are that appellant, a bus owner in Hindupur, moved an application on 22nd October, 2000 praying for grant of variation to the existing town service route – Hindupur Municipal Limits on Bangalore Road to Sri Rangarajapalle – resulting in extension of route from Mullamotukapalli to Sri Rangarajapalle, of a distance of 1.8 kilometres in respect of his bus No.DLIP 3062. The second respondent, against item No.46, thus passed a resolution granting the proposed variation to the appellant, in public interest. This meeting was held on 23rd April, 2001. It appears that the third respondent feeling aggrieved by the said grant of variation to the appellant, challenged the order of the second respondent, in revision, before the first respondent in R.P.No.3 of 2002. The respondent No.1 on 14th February, 2003 allowed the revision. We need not go into the grounds on which the revision was allowed or reasons assigned for the same. Feeling aggrieved by the said order of the first respondent, the appellant filed the writ petition, which was dismissed by the learned single Judge.

We have heard the counsel for the parties and gone through the order passed by the first respondent on 14th February, 2003, which was challenged in the writ petition.

The scope of judicial review under Article 226 of the Constitution of India of orders of quasi-judicial authorities is to see that the decision making process was fair and the quasi-judicial authority projected its mind to the facts of the case properly.

In the instant case, what we find is that the first respondent wrongly assumed the revision petition before him to be a revision filed by the third respondent to challenge an order of rejection of its request for grant of variation of permit on town service route. In the very opening sentence of its order, the first respondent says that the third respondent has filed the revision against the orders of the Regional Transport Authority rejecting its application for grant of variation. Not only that, in paragraph 5 also, the first respondent assumed it to be a revision against the order or rejection of the application of the third respondent. Even in paragraph 14, the first respondent held that the application filed by the revision petitioner seeking extension of route has to be treated as an application under Section 80(3) of the Motor Vehicles Act for grant of fresh permit.

Needless to add that the third respondent had objected to the grant of extension of permit which had been applied for by the appellant and the third respondent was not operating on the route in question. It was only the appellant who was operating on the route and wanted extension of the route by 1.8 Kilometres. Obviously, assuming the case to be a case of rejection of the application of the third respondent for extension of the permit and thus coming to the conclusion that such an application has to be treated as an application for grant of fresh permit are as a result of non application of mind by the first respondent to the facts of the case, which renders the very decision making process, illegal and arbitrary. For that reason alone, the impugned order passed by the first respondent is liable to be set aside. We also make it clear that we have not gone into the reasons and grounds on which the revision of the third respondent was ultimately allowed but the impression which one would gather from the very order would show that it was on assumption of wrong facts that decision was rendered.

As such, we will allow the appeal, set aside the impugned order as also the order impugned in the writ petition with direction to the first respondent to decide afresh the revision petition filed by the third respondent challenging the order passed by the second respondent. Ordered accordingly.

DEVINDER GUPTA, CJ

12-8-2004

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C.V.RAMULU, J

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To

1. The Presiding Officer, State Transport Appellate Tribunal, Andhra Pradesh, Manoranjan Complex, M.J.Road, Hyderabad.

2 The Secretary, Regional Transport Authority, Ananthapur.
3 The Managing Director, A.P.S.R.T.C. Musheerabad, Hyderabad.

4. 2 CCs to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT).

5 2 CD copies.

Note:

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